

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
vs.)	CRIMINAL ACTION 09-00026-KD
ROBERT P. McCOY,)	
Defendant.)	

ORDER

This action is before the court on the joint motion to continue trial for Pre-Trial Diversion (doc. 23). Assistant U.S. Attorney Daryl Atchison informs the court that the United States has recommended that defendant participate in the Pre-Trial Diversion program. However, an additional thirty (30) days are necessary for the United States Probation Office to interview and evaluate defendant to determine his suitability for the program and the appropriate conditions.

The Court finds that the period of time during which prosecution is deferred is excludable pursuant to 18 U.S.C. § 3161(h)(2). Accordingly, this case is continued to the **June 2009** trial term and the United States is **ORDERED** to notify the court as to the decision of the Probation Office.

DONE and **ORDERED** on this the 30th day of April, 2009.

s / Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE